

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN RE:
JULIUS QUIAM
TANYA QUIAM**

DEBTOR (S)

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CASE NO. 14-33855-H5-13

CHAPTER 13

OBJECTION TO PROOF OF CLAIM

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST REPLY SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-ONE DAYS FROM THE DATE YOU WERE SERVED AND GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A PARTY REQUESTS EMERGENCY CONSIDERATION, THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY-ONE DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND WITHIN THAT TIME. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.

COMES NOW, JULIUS QUIAM AND TANYA QUIAM, debtors in the above case herewith, files the following Objection to the claim of NATIONSTAR MORTGAGE LLC creditor of said debtors, and will show the Court as follows:

1. Debtor filed the current Chapter 13 petition on July 10, 2014.
2. Prior to filing the current case, debtors completed a proposed Chapter 13 plan under case no. 08-35857-H5-13.

3. **NATIONSTAR MORTGAGE LLC** filed a proof of claim in the present case on or about October 7, 2014.
4. The claim lists a total amount of arrearage at time case was filed at \$33,407.51 for the period from July 1, 2011 to June 30, 2014.
5. Debtor disputes this amount based on the following:
 - (a) Debtors successfully completed the previous chapter 13 bankruptcy case no. 08-35857-H5-13 and were discharged on or about November 25, 2013. During this case, Debtors paid their on-going mortgage payments to NATIONSTAR MORTGAGE LLC through their confirmed chapter 13 plan. Upon completion of Debtor's previous Chapter 13 plan, case no. 08-35852-H5-13 an Order Deeming the Mortgage Current (doc#143) was signed on December 3, 2013 by the Honorable Judge Brown. The Order deem the debtors current through September 1, 2013 and the Debtors were to resume the on-going mortgage payments to NATIONSTAR MORTGAGE LLC starting October 1, 2013.
 - (b) The proof of claim is incorrect because Debtors were deemed current with mortgage payment through September 1, 2013. The claim should only total the amount of arrearage for the months of October 1, 2013 to July 10, 2014.

II.

WHEREFORE, PREMISES CONSIDERED, the debtors pray that **NATIONSTAR MORTGAGE LLC**. proof of claim be disallowed and request for hearing to be granted.

Respectfully Submitted,

/s/ Alva Wesley-Thomas
ALVA WESLEY-THOMAS
ATTORNEY IN CHARGE
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing instrument was sent by Certified U.S. mail and/or regular U.S. mail, on the 27 day of October 2014, to the following creditors listed below and on the attached list and incorporated for all purposes.

/s/ Alva Wesley-Thomas
ALVA WESLEY-THOMAS

Weinstein, Pinson & Riley
Attorney for Nationstar Mortgage LLC
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United States Trustee
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